



**Liquor & Tobacco Advisory Board Agenda
Tuesday, April 20, 2021
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff:

Angela Hammer- City Attorney
Megan McNeill- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Ebron Tyson – Videographer
Jeremy Carter - Traffic Engineer

Others:

Kylie Bunke- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the ZBA, stated that this meeting was being held remotely as the Mayor has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments

being submitted by 5:00 pm, on April 20, 2021, to Board Secretary Leisha Kury's email, or the City's permit center located on the first floor at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, April 26, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, May 3, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, May 18, 2021. If for any reason the item is laid

over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:52 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the March 16, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-2 with Dan Roszkowski and Maurice Redd Abstaining.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge
The sale of tobacco products in conjunction with a hookah lounge in
a C-3, General Commercial Zoning District
**Laid over from September, October, November, December and
January, February and March**

Mustafa Abdall, spoke on behalf of the applicant, Jamal Abedrabbo. Mr. Abdall stated he reviewed the Staff report with the conditions and agreed. Mr. Abdall stated they are ready to comply with the conditions and move forward.

Angela Hammer asked Mustafa Abdall if he and the applicant have read conditions 1-12 and agreed to comply. Mr. Abdall responded that the applicant does.

Staff Recommendation is for Approval with twelve (12) conditions. No objectors or interested parties were present. No emails were read into the record.

Jennifer Smith asked Mustafa Abdall if the applicant has had any communication with Rockford University regarding this business. Mr. Abdall responded they did inform the University and they did not have any conflict with the new business opening up.

A **MOTION** was made by Maurice Redd to **APPROVE** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-1 with Tom Fabiano voting nay.

Approval is based on the following conditions:

1. Meet all Applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes, including the City of Rockford Hookah Ordinance at Section 3-119.1.
3. Submittal of a revised detailed floor plan that shows all seating, tables and point of sales for the hookah materials.
4. Submittal of a revised parking and landscaping plan for staff's review and approval.
5. The hours of operation and days will be 5:00 P.M. to 12:00 A.M. (midnight) Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. Window display signage is limited to 20% of window area.
8. There shall not be temporary exterior signage.
9. The windows shall not be covered with bars or other devices that block the windows.
10. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
11. All outstanding general ordinances fines must be paid prior to issuance of the license.
12. All conditions must be met prior to establishment of use.

21-LTAB-007

1025 5th Avenue

Applicant
Ward 11

Andrew Michael Vowles / Gene's Place Inc. dba Gene's Irish Pub
Modification of existing liquor license to add a different business partner as a 10% share holder for a liquor license by the drink in conjunction with a restaurant, tavern and video gaming terminal in a C-3, General Commercial Zoning District

The applicant, Andrew Vowles, was present. The subject property is located on the south side of 5th Avenue and 95 feet west of 7th Street. The parcel is surrounded by commercial uses. Mr. Vowles stated he has been in the service industry for about 15 years in different areas such as security, bartending, and management. Mr. Vowles stated he is seeking approval to be added to the business as an owner.

Attorney Angela Hammer asked Mr. Vowles if he has read all ten (10) conditions in the staff recommendation. Mr. Vowles responded he did not. Attorney Hammer read the ten (10) conditions to Mr. Vowles. Once again, Attorney Hammer asked the applicant if he agrees to the conditions. Mr. Vowles stated he does and will comply.

Kim Johnsen asked the applicant if he will be part of the day to day management. Mr. Vowles responded he will.

Staff Recommendation is for Approval with ten (10) conditions. No objectors or interested parties were present. No email were read into the record.

A **MOTION** was made by Jennifer Spencer to **APPROVE** Modification of existing liquor license to add a different business partner as a 10% share holder for a liquor license by the drink in conjunction with a restaurant, tavern and video gaming terminal in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Window display signage is limited to 20% of window area.
4. The windows shall not be covered with bars or other devices that block the windows.
5. The sale of liquor by the drink shall be in conjunction with a restaurant.
6. Hours of operation are limited to Tuesday through Thursday 11:00 a.m. to 10:30 p.m., Friday and Saturday 11:00 a.m. to midnight and closed on Sunday and Monday. The food service hours will be from 11:00 a.m. to 8:00 p.m., Tuesday through Saturday.
7. The proposed use shall not have a cover charge, a dance floor, any DJs or any live entertainment.
8. The proposed use shall not operate as a nightclub.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinances fines must be paid prior to issuance of the license.

21-LTAB-008

Applicant
Ward 9

3818 West Riverside Boulevard Suite 133 and 136

Rock Tobacco Co. / Mugahed Al-Dhaiah dba Rock Tobacco Co.
The sale of tobacco products in conjunction with a tobacco store in a C-3 General Commercial District

Attorney Mario Tarara, spoke on behalf of the applicant, Mugahed- Al-Dhaiah. The subject property is located 1,040 feet southeast of the North Central Avenue and West Riverside Boulevard intersection. The parcel is surrounded by commercial and residential uses. Attorney Tarara stated his client is seeking approval for tobacco products at the property 3818 West Riverside, Suites 133 and 136 which are

currently vacant. The property is near the Walmart on West Riverside. The location will have convenience store items. The store will not offer liquor sales and no prepared foods.

Attorney Angela Hammer asked Attorney Tarara if he and his client have reviewed the staff recommendation report and agree to comply with conditions 1-13. Attorney Tarara responded they did and agreed to comply.

Maurice Redd asked Attorney Tarara if this is an existing business. Attorney Tarara responded this will be a new business. Maurice Redd asked when they will open for business. Attorney Tarara responded in approximately 4 months.

Staff Recommendation is for Approval with thirteen (13) conditions. No objectors or interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco products in conjunction with a tobacco store in a C-3 General Commercial District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit E.
5. The hours of operation will be limited to 8:00 A.M. to 8:00 P.M. Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Window display signage is limited to 20% of window area.
9. There shall not be temporary exterior signage.
10. The windows shall not be covered with bars or other devices that block the windows.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinance fines must be paid prior to the issuance of the license.
13. All conditions must be met prior to establishment of use.

21-LTAB-009

Applicant
Ward 10

320 North Mulford Road

Mera Baba Nanak, LLC / Jaswinder Kaur/ Lakhwinder Singh dba BP Gas Station

The sale of packaged liquor and the sale of tobacco products in conjunction with a gas station and convenience store in a C-3 General Commercial District

Attorney Mark Middendorff, spoke on behalf of the applicant, Mera Baba. The property is located on the west side of North Mulford Road and Executive Parkway intersection. Attorney Middendorff stated 320 North Mulford Road is BP in conjunction with a convenience store that was purchased by Mera Baba back in April 13, 2021. Prior to the purchase, it was also operated as a BP gas station with a convenience store. The current owner plans to operate the business in the same matter. Attorney Middendorff stated he has reviewed the conditions 1-13 in the staff recommendation report with his client. Attorney Middendorff stated his only concern with the conditions is number 10, the removal of the free standing sign by July 1st, 2021. His client will comply with the remaining conditions, but is requesting an extension in the deadline to remove the sign. Attorney Middendorff stated the client has a concern of the removal of that sign, his client believes it can get expensive and is seeking for an extension.

Staff Recommendation is for Approval with thirteen (13) Conditions. No objectors or interested parties were present. No emails were read into the record.

The Board had a discussion regarding the signage extension. Board members agreed to extend the time limit to remove the non-conforming sign to December 31, 2021.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of packaged liquor and the sale of tobacco products in conjunction with a gas station and convenience store in a C-3 General Commercial District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0 via roll call vote.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. The windows shall not be covered with bars or other devices that block the windows.
5. The sale of alcohol and tobacco products shall be limited to the area shown on Exhibit E.
6. Hours of operation shall be limited to the hours allowed per the Liquor Code.
7. There shall be no single serving sales of beer or wine in volumes of 16 oz. or less.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
9. The sale of water pipes and "huka" or "hookah" are prohibited.
10. Removal of existing free-standing sign by December 31, 2021.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinance fines must be paid prior to issuance of the license.
13. All conditions must be met prior to issuance of a liquor and tobacco license.

21-LTAB-010

Applicant
Ward 10

2525 Auburn Street

Alicia M. Yeverino/ dba Gyros House

The sale of liquor by the drink in conjunction with a restaurant and video gaming terminals in a C-3, General Commercial Zoning District

Alberta Walker, spoke on behalf of the applicant, Alicia Yeverino. The subject property is located on the northeast corner of Horsman and Auburn Street. The parcel is surrounded by a mixture of commercial and residential uses. Ms. Walker stated the restaurant has been in business for two years and they are hoping to get approval for the sale of liquor by the drink with video gaming terminals. The restaurant has a carry-out window along with indoor seating. Ms. Walker stated that staff recommendation was for denial, and she can't quite understand the reasoning in regards to the seating. Per the architect, the seating was only set for two tables due to COVID, but the restaurant has room for the video game terminals. They can seating 12 people in addition to the gaming terminal seating.

Dan Roszkowski asked Scott Capovilla if the denial was for the amount of video gaming terminals. Mr. Capovilla responded the denial was based off the floor plan. By adding the video gaming, they only have four inside tables with 8 seats. He further stated it appears the property looks like a gaming parlor with a carry out restaurant and a couple of tables with limited seating inside. Mr. Capovilla further explained they won't be selling a lot of liquor with an indoor seating area with only 4 tables.

Ms. Walker responded that they can have seating for 12 people along the window. Jennifer Smith asked Ms. Walker about the six video terminals as that seems like a lot for that location. Ms. Smith wondered if Ms. Walker is willing to accept fewer video gaming terminals. Ms. Walker stated that five video gaming terminals would be fine.

Craig Sockwell asked how many seats were there before the proposed addition of gaming. Ms. Walker responded there is currently seating for 18. Craig Sockwell asked if they will still have room for seating of 12. Ms. Walker responded they would and the total capacity is 38 per the building code.

Maurice Redd asked where they are with the video gaming licenses. Mr. Capovilla responded the city is within 20 or 22 machines from reaching the cap pursuant to the Hard Rock Casino development agreement.

Staff Recommendation is for Denial. No objectors or interested parties were present. No emails were read into the record.

The Board discussed how many video gaming terminals should be approved at this location and agreed to allow four terminals.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and video gaming terminals in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-1 with Dan Roszkowski voting nay.

Approval is based on the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Hours of operation are Sunday through Wednesday 10:00 a.m. to 10:00 p.m. and Thursday through Saturday 10:00 a.m. to 12:00 a.m. (midnight).
4. Window display signage shall be limited to 20% of the window surface area.
5. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.
6. The proposed use shall not operate as a nightclub.
7. The windows shall not be covered with bars or other devices that block the windows.
8. The proposed use and facility shall be limited to four (4) video gaming terminals.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license.
11. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:50 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals